

Senate Daily Reader

Wednesday, February 08, 2012

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State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

983T0323

SENATE APPROPRIATIONS ENGROSSED NO. **SB 25** - 2/2/2012

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a new state accountability
2 system and a new financial accountability rating system for public elementary and secondary
3 schools.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-3-62 be amended to read as follows:

6 13-3-62. A single, statewide state accountability system is established. The system shall hold
7 public schools ~~and public school districts~~ accountable for the academic achievement of their
8 students and shall ensure that all public schools ~~and all public school districts~~ make adequate
9 yearly progress in continuously and substantially improving the academic achievement of their
10 students.

11 Section 2. That § 13-3-63 be amended to read as follows:

12 13-3-63. The state accountability system shall be based on the South Dakota Content
13 Standards in reading and mathematics approved by the South Dakota Board of Education. The
14 yearly progress of students shall be measured by the state academic assessments as may be
15 prescribed by the Legislature, and shall take into account the achievement of all public



1 elementary school and secondary school students in reading and mathematics annually. ~~An~~
2 ~~additional academic indicator~~ Additional indicators established pursuant to § 13-3-69 shall be
3 used in the measurement of yearly progress: ~~the additional academic indicator for the public K-8~~
4 ~~elementary schools shall be the annual rate of student attendance; the additional academic~~
5 ~~indicator for public 9-12 high schools shall be the annual rate of graduation.~~

6 Section 3. That § 13-3-64 be amended to read as follows:

7 13-3-64. The state accountability system shall ~~establish a timeline for adequate yearly~~
8 ~~progress that ensures that no later than the 2013-2014 school year, measure whether~~ all students
9 meet or exceed the state's proficient level of academic achievement ~~as measured by the state's~~
10 ~~assessments. Annual measurable objectives in both reading and mathematics. Multiple~~
11 indicators shall be established to ~~ensure~~ indicate continuous and substantial academic
12 improvement of the achievement of all public school students as well as sub-groups of public
13 school students, including economically disadvantaged students, students from major racial and
14 ethnic groups, students with disabilities, and students with limited English proficiency. ~~The~~
15 ~~annual measurable objectives shall identify a single minimum percentage of students who are~~
16 ~~required to meet or exceed the proficient level on the academic assessments. The objectives~~
17 ~~shall be applied separately in reading and mathematics and shall be applied to all students and~~
18 ~~to each sub-group of students described in this section. The annual measurable objectives shall~~
19 ~~be used for determining adequate yearly progress.~~

20 Section 4. That § 13-3-65 be amended to read as follows:

21 13-3-65. The state accountability system shall determine annually the progress of each
22 public school ~~and public school district~~, including the annual progress of sub-groups of students,
23 using annual assessment data and data from ~~one~~ additional academic indicator. ~~The school's~~
24 ~~progress in mathematics and reading shall be compared separately to the state's annual~~

~~objectives for adequate yearly progress in mathematics and reading. The results of the comparisons shall be used to determine the school's achievement level based on the state's achievement standards. The district's progress in mathematics and reading shall be compared separately to the state's annual objectives in mathematics and reading. The results of the comparisons shall be used to determine the district's achievement levels based on the state's achievement standards~~ indicators.

Section 5. That § 13-3-67 be amended to read as follows:

13-3-67. The state accountability system shall include ~~consequences~~ interventions for schools ~~and districts~~ in the form of sanctions, rewards, and recognition. The ~~consequences~~ interventions shall be based on the school's ~~or district's~~ ranking on the state's achievement standards and additional indicators.

Section 6. That § 13-3-69 be amended to read as follows:

13-3-69. The South Dakota Board of Education may promulgate administrative rules pursuant to chapter 1-26 to establish the state accountability system; based on achievement and other indicators including:

- (1) A definition of ~~adequate yearly~~ academic progress;
- (2) ~~A valid and reliable~~ The method of calculating ~~adequate~~ yearly progress in mathematics and reading for all public schools ~~and public school districts~~, including methods for determining both the status and improvement growth;
- (3) A definition of four levels of student achievement, including a proficient level;
- (4) ~~Establishment of names and descriptors for the four levels of student achievement;~~
- ~~(5)~~ Determination of cut scores ~~within the scoring data from the state assessments in~~ mathematics and reading for each ~~of the four levels~~ level of student achievement;
- ~~(6)(5)~~ Establishment of the ~~state's annual~~ measurable objectives for academic progress

1 through 2013-2014 in both reading and mathematics;

2 ~~(7)(6)~~ Establishment of a system of consequences for public schools, including sanctions,
3 rewards, and recognition;

4 ~~(8)(7)~~ Establishment of a system of consequences for public school districts, including
5 sanctions, rewards, and recognition the process for teacher and principal evaluation;

6 ~~(9)(8)~~ Determination of a valid and reliable method for calculating a graduation rate the
7 criteria to demonstrate student preparedness for college and career for each public
8 high school;

9 ~~(10)(9)~~ Determination of a valid and reliable the method for calculating the attendance
10 rate for each public elementary and middle school;

11 ~~(11)(10)~~ Establishment of an appeal process for public schools ~~and public school~~
12 ~~districts; and~~ districts; and

13 ~~(12)(11)~~ Establishment of a process whereby the state accountability system will be
14 periodically reviewed ~~to assure that it is fair and appropriate for the public~~
15 ~~schools of South Dakota, and is in compliance with federal law; and~~

16 ~~— (13) — Any other administrative rule that is deemed necessary to fulfill the requirements of~~
17 ~~the federal education act, Public Law No. 107-110, § 1111(b)(2)(A), 115 Stat. 1425,~~
18 ~~as in effect on January 1, 2003.~~

19 Section 7. Beginning in the 2014-2015 school year, the Department of Education shall
20 develop and implement a financial accountability rating system for public school districts that
21 distinguishes among school districts based on levels of financial performance and includes
22 procedures to provide additional transparency to public education finance to enable the
23 Department of Education and school administrators to provide meaningful financial oversight
24 and improvement. The system shall include uniform indicators that measure school districts'

1 financial management performance.

2 Section 8. Beginning in the 2014-2015 school year, the Department of Education shall
3 identify school districts that demonstrate high academic achievement and cost-effective
4 operations. In identifying school districts, the department shall:

- 5 (1) Integrate existing academic accountability and financial data; and
6 (2) Rank the results of the calculation in subdivision (1) to identify the relative
7 performance of school districts.

8 Section 9. Beginning on July 1, 2012, a work group shall provide input in developing the
9 financial accountability rating system described in sections 8 and 9 of this Act. The work group
10 shall consist of the following members:

- 11 (1) Five school district business managers appointed by the secretary of education;
12 (2) Three school superintendents appointed by the secretary of education;
13 (3) Three representatives of the business community with a knowledge of school finance
14 appointed by the secretary of education;
15 (4) One representative of the School Administrators of South Dakota appointed by the
16 secretary of education;
17 (5) One representative of the Associated School Boards of South Dakota appointed by
18 the secretary of education;
19 (6) One member of the Senate appointed by the president pro tempore of the Senate; and
20 (7) One member of the House of Representatives appointed by the speaker of the House
21 of Representatives.

22 Section 10. The Board of Education shall promulgate rules pursuant to chapter 1-26 to
23 provide for the implementation and administration of the financial accountability rating system
24 established pursuant to section 7 of this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0442

SENATE APPROPRIATIONS ENGROSSED NO. **SB 46** - 2/2/2012

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase an airport
2 structure for use by South Dakota State University and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Board of Regents may purchase an existing structure, comprising something
5 more than ten thousand six hundred sixty feet, located on the grounds of the Brookings Regional
6 Airport, Lot X in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section
7 Twenty-Six (26), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th
8 P.M. in the City of Brookings, Brookings County, South Dakota, for the use by South Dakota
9 State University as an instructional site for its aviation program and for incidental protection and
10 maintenance of aircraft used by the program.

11 Section 2. There is hereby appropriated from other fund expenditure authority, the sum of
12 one million one hundred thousand dollars (\$1,100,000), or so much thereof as may be necessary,
13 payable from fees collected by South Dakota State University from students or by its aviation
14 program and from funds donated and accepted for the purposes of this Act, to the Board of
15 Regents for the purchase of the facility specified in section 1 of this Act.



1 Section 3. The executive director of the Board of Regents shall approve vouchers and the
2 state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 4. Notwithstanding § 5-14-10, South Dakota University may maintain the facility
4 from funds available to it for such purposes.

5 Section 5. No general fund dollars may be used for the maintenance and repair of the
6 facilities authorized by this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

465T0170

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 70** - 2/6/2012

Introduced by: Senators Holien, Novstrup (Al), Olson (Russell), Peters, and Schlekeway and
Representatives Sigdestad, Bolin, Deelstra, Fargen, Hansen (Jon), Hoffman,
Kirkeby, and Novstrup (David)

1 FOR AN ACT ENTITLED, An Act to revise the procedures for filing referred laws, initiated
2 constitutional amendments, and initiated measures and to revise certain election provisions
3 and campaign finance requirements for referred laws, initiated constitutional amendments,
4 and initiated measures.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The petition as it is to be circulated for a referred law shall be filed with the secretary of state
9 prior to circulation for signatures and shall:

- 10 (1) Contain the title of the referred law;
- 11 (2) Contain the effective date of the referred law;
- 12 (3) Contain the date of the general election at which the referred law is to be submitted;
- 13 (4) Be accompanied by a notarized form that includes the names and addresses of the
- 14 petition sponsors; and



(5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition shall be filed with the secretary of state within ninety days after the adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The form of the petition and affidavit shall be prescribed by the State Board of Elections.

Section 2. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as follows:

The petition as it is to be circulated for an initiated constitutional amendment shall be filed with the secretary of state prior to circulation for signatures and shall:

(1) Contain the full text of the initiated constitutional amendment;

(2) Contain the date of the general election at which the initiated constitutional amendment is to be submitted;

(3) Contain the title and explanation as prepared by the attorney general;

(4) Be accompanied by a notarized form that includes the names and addresses of the petition sponsors; and

(5) Be accompanied by a statement of organization as provided in § 12-27-6.

The petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated constitutional amendment as prepared by the attorney general. The form shall be approved by the secretary of state prior to circulation.

For any initiated constitutional amendment petition, no signatures may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. The initiated constitutional amendment petition shall be filed with the secretary

1 of state at least one year before the next general election. A sworn affidavit, signed by at least
2 two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition
3 and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall
4 also be filed with the secretary of state. The form of the petition and affidavit shall be prescribed
5 by the State Board of Elections.

6 Section 3. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The petition as it is to be circulated for an initiated measure shall be filed with the secretary
9 of state prior to circulation for signatures and shall:

- 10 (1) Contain the full text of the initiated measure;
- 11 (2) Contain the date of the general election at which the initiated measure is to be
12 submitted;
- 13 (3) Contain the title and explanation as prepared by the attorney general;
- 14 (4) Be accompanied by a notarized form that includes the names and addresses of the
15 petition sponsors; and
- 16 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

17 The petition circulator shall provide to each person who signs the petition a form containing
18 the title and explanation of the initiated measure as prepared by the attorney general. The form
19 shall be approved by the secretary of state prior to circulation.

20 For any initiated measure petition, no signatures may be obtained more than twenty-four
21 months preceding the general election that was designated at the time of filing of the full text.
22 The initiated measure petition shall be filed with the secretary of state at least one year before
23 the next general election. A sworn affidavit, signed by at least two-thirds of the petition
24 sponsors, stating that the documents filed constitute the entire petition and to the best of the

1 knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the
2 secretary of state. The form of the petition and affidavit shall be prescribed by the State Board
3 of Elections.

4 Section 4. That § 2-1-2 be repealed.

5 ~~— 2-1-2. Filing of initiative petitions for submission to voters at next general election. The~~
6 ~~petition shall be filed in the Office of the Secretary of State by the first Tuesday in November~~
7 ~~of the year prior to a general election year for submission to the electors at the next general~~
8 ~~election.~~

9 Section 5. That § 2-1-2.1 be repealed.

10 ~~— 2-1-2.1. A petition of the voters proposing an amendment to the Constitution shall be filed~~
11 ~~in the Office of the Secretary of State at least one year before the next general election and, if~~
12 ~~timely filed, shall be submitted to the voters at the next general election in the same manner as~~
13 ~~other questions and measures are submitted under the provisions of chapter 12-13.~~

14 Section 6. That § 2-1-4 be repealed.

15 ~~— 2-1-4. The petition shall be filed in the Office of the Secretary of State within ninety days~~
16 ~~after the adjournment of the Legislature which passed such law.~~

17 Section 7. That § 2-1-6.2 be repealed.

18 ~~— 2-1-6.2. The petition as it is to be circulated for any initiative or initiated constitutional~~
19 ~~amendment shall contain the full text of the measure, the date of the general election at which~~
20 ~~the initiated law or initiated constitutional amendment is to be submitted, and the title and~~
21 ~~explanation as prepared by the attorney general, accompanied by the names and addresses of the~~
22 ~~petition sponsors and shall be filed with the secretary of state prior to circulation for signatures.~~
23 ~~The circulator shall provide to each person who signs the petition a copy of the explanation as~~
24 ~~prepared by the attorney general. The petition as it is to be circulated for a referred law shall~~

1 ~~contain the title of the referred law, the effective date of the referred law, and the date of the~~
2 ~~general election at which the referred law is to be submitted. The petition shall be accompanied~~
3 ~~by the names and addresses of the petition sponsors and shall be filed with the secretary of state~~
4 ~~prior to circulation for signatures. The signer's post office box number may be given in lieu of~~
5 ~~a street address if the signer lives within a municipality of the second or third class. The form~~
6 ~~of the petitions shall be prescribed by the State Board of Elections. For any initiated measure~~
7 ~~or initiated constitutional amendment petition, no signatures may be obtained more than twenty-~~
8 ~~four months preceding the general election that was designated at the time of filing of the full~~
9 ~~text. An initiative petition and an initiated constitutional amendment petition shall be filed with~~
10 ~~the secretary of state by the date set forth in § 2-1-2 or 2-1-2.1, as applicable. All sections of any~~
11 ~~petition filed under this chapter shall be filed with the secretary of state simultaneously together~~
12 ~~with a sworn affidavit on forms promulgated by the State Board of Elections, signed by two-~~
13 ~~thirds of the sponsors stating that the documents filed constitute the entire petition and to the~~
14 ~~best of their knowledge contain a sufficient number of signatures.~~

15 Section 8. That § 12-13-2 be amended to read as follows:

16 12-13-2. The county auditor shall, on or before the first day of October of each year ~~when~~
17 in which there is a general election, send by electronic transmission or mail to each official
18 newspaper of the county a copy of all measures and questions as certified ~~to him~~ pursuant to
19 § 12-13-1.

20 Section 9. That § 12-27-3 be amended to read as follows:

21 12-27-3. The treasurer for a political action committee ~~or ballot question committee~~ shall
22 file a statement of organization with the secretary of state not later than fifteen days after the
23 date upon which the committee made contributions, received contributions, or paid expenses
24 in excess of five hundred dollars ~~unless~~. However, if such activity falls within thirty days of any

1 statewide election ~~in which case~~, the statement of organization shall be filed within forty-eight
2 hours. A candidate shall file a statement of organization for a candidate campaign committee
3 with the secretary of state not later than fifteen days after becoming a candidate pursuant to this
4 chapter. Notwithstanding the provisions of § 12-27-41, the statement of organization shall
5 include the original signature of each person filing the statement. A political committee that
6 regularly files a campaign finance disclosure statement with another state or the Federal Election
7 Commission or a report of contributions and expenditures with the Internal Revenue Service is
8 not required to file a statement of organization. A violation of this section is a Class 2
9 misdemeanor.

10 Section 10. That § 12-27-22 be amended to read as follows:

11 12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state
12 by the treasurer of every:

- 13 (1) Candidate or candidate campaign committee for any statewide or legislative office;
- 14 (2) Political action committee;
- 15 (3) Political party; and
- 16 (4) Ballot question committee.

17 The statement shall be signed and filed by the treasurer of the political committee or
18 political party. The statement shall be received by the secretary of state and filed by 5:00 p.m.
19 each February first and shall cover the contributions and expenditures for the preceding calendar
20 year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the
21 second Friday prior to each primary and general election complete through the fifteenth day
22 prior to that election. If a candidate is seeking nomination at the biennial state convention, the
23 candidate or the candidate campaign committee shall file a campaign finance disclosure
24 statement with the secretary of state by 5:00 p.m. on the second Friday prior to any biennial state

1 convention. Any statement filed pursuant to this section shall be consecutive and shall cover
2 contributions and expenditures since the last statement filed.

3 The following are not required to file a campaign finance disclosure statement:

4 (1) A candidate campaign committee for legislative or county office on February first
5 following a year in which there is not an election for the office;

6 (2) A county, local, or auxiliary committee of any political party, qualified to participate
7 in a primary or general election, prior to a statewide primary election;

8 (3) A legislative or county candidate campaign committee without opposition in a
9 primary election, prior to a primary election;

10 (4) ~~A ballot question committee prior to a primary election unless the committee is~~
11 ~~involved in a ballot question voted on at the primary;~~

12 —(5) A candidate campaign committee whose name is not on the general election ballot,
13 prior to the general election; and

14 ~~(6)~~(5) A political committee that regularly files a campaign finance disclosure statement
15 with another state or the Federal Election Commission or a report of contributions
16 and expenditures with the Internal Revenue Service.

17 A violation of this section is a Class 1 misdemeanor.

18 Section 11. That § 12-27-23 be amended to read as follows:

19 12-27-23. ~~A campaign finance disclosure statement shall be received by the secretary of~~
20 ~~state and filed by the treasurer of any statewide ballot question committee by 5:00 p.m. on the~~
21 ~~fifth day of July during the year in which the ballot question is to be voted on complete through~~
22 ~~the month of June. If the treasurer for a ballot question committee does not file a statement of~~
23 ~~organization pursuant to chapter 2-1, the treasurer shall file a statement of organization with the~~
24 ~~secretary of state not later than fifteen days after the date which the committee made~~

1 contributions, received contributions, or paid expenses in excess of five hundred dollars.
2 However, if such activity falls within thirty days of any statewide election, the statement of
3 organization shall be filed within forty-eight hours. A ballot question committee that regularly
4 files a campaign finance disclosure statement with another state or the Federal Election
5 Commission or a report of contributions and expenditures with the Internal Revenue Service is
6 not required to file a statement of organization. A violation of this section is a Class 1 Class 2
7 misdemeanor.

8 Section 12. That § 12-27-41 be amended to read as follows:

9 12-27-41. Any statement required to be filed under this chapter may be filed by ~~facsimile~~
10 ~~device or electronic mail transmission~~ transmission in accordance with the methods approved by the secretary
11 of state. To be timely filed, any statement received by ~~facsimile device or electronic mail~~
12 transmission shall be legible and readable when received by the means it was delivered. ~~The~~
13 ~~original shall be filed with the secretary of state within one week following the date the~~
14 ~~facsimile or electronic mail transmission was received.~~

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

618T0417

SENATE STATE AFFAIRS ENGROSSED NO. **SB 161** - 2/6/2012

Introduced by: Senators Novstrup (Al), Brown, Frerichs, Frysliie, and Heineman and
Representatives Hoffman, Feickert, and Tulson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning public meetings
2 held by teleconference or videoconference.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-25-1 be amended to read as follows:

5 1-25-1. The official meetings of the state, its political subdivisions, and any public body of
6 the state or its political subdivisions are open to the public unless a specific law is cited by the
7 state, the political subdivision, or the public body to close the official meeting to the public. For
8 the purposes of this section, a political subdivision or a public body of a political subdivision
9 means any association, authority, board, commission, committee, council, task force, school
10 district, county, city, town, township, or other agency of the state, which is created or appointed
11 by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign
12 power derived from state law.

13 It is not an official meeting of one political subdivision or public body if its members
14 provide information or attend the official meeting of another political subdivision or public body



1 for which the notice requirements of § 1-25-1.1 have been met.

2 Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A
3 teleconference may be used to conduct a hearing or take final disposition regarding an
4 administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers
5 present to the roll call conducted by teleconference for the purpose of determining a quorum.
6 Each vote at an official meeting held by teleconference shall be taken by roll call.

7 If the state, a political subdivision, or a public body conducts an official meeting by
8 teleconference, the state, the political subdivision, or public body shall provide one or more
9 places at which the public may listen to and participate in the teleconference meeting. For any
10 official meeting held by teleconference, which has less than a quorum of the members of the
11 public body participating in the meeting who are present at the location open to the public,
12 arrangements shall be provided for the public to listen and participate in the meeting in the same
13 manner as the public body. The requirement to provide one or more places for the public to
14 listen to the teleconference does not apply to an executive or closed meeting.

15 A violation of this section is a Class 2 misdemeanor.